

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

BATTAGLIA et al.

Atty. Ref.: -5148-4

Serial No. 10/629,905

TC/A.U.: 2621

Filed: July 30, 2003

Examiner: C. Onuaku

For: PORTABLE DATA TRANSFER AND MASS STORAGE DEVICE FOR  
REMOVABLE MEMORY MODULES

\* \* \* \* \*

October 31, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Your petitioner, SmartDisk Corporation, now known (as a result of the attached name changing "Certificate of Amendment) as SMDK Corporation, a corporation having an office and place of business at Suites 242-244, 27499 Riverview Center Blvd., Bonita Springs, FL 34134 represents that it is the assignee as recorded in an assignment at Reel 015841/Frame 0451, of all right, title and interest in and to Application Serial No. 10/629,905, filed July 30, 2003, for PORTABLE DATA TRANSFER AND MASS STORAGE DEVICE FOR REMOVABLE MEMORY MODULES.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent Nos. 6,658,202 and 6,987,927 and hereby agrees that any patent so granted on the above-identified

application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to the above-identified Patent Nos. 6,658,202 and 6,987,927, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent Nos. 6,658,202 and 6,987,927 in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Check either box 1 or 2 below, as appropriate.

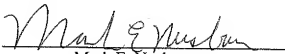
1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☒ The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:   
Mark E. Nusbaum  
Reg. No. 32,348

MEN:mg  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

☒ **Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.** If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.